

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 2, 2021**

**Hearing Room**

**5A**

9:30 AM

**8:00-00000**

**Chapter**

**#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.**

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

**Meeting URL: <https://cacb.zoomgov.com/j/1609067884>**

**Meeting ID: 160 906 7884**

**Password: 581315**

**Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666**

For more information on appearing before Judge Smith by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Erithe A. Smith's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-erithe-smith> under the

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**CONT...**

**Chapter**

"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect 10 minutes before your hearing time so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**United States Bankruptcy Court  
Central District of California  
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**5A**

9:30 AM

**8:19-11551 Richard Allen Rietveld**

**Chapter 7**

Adv#: 8:19-01162 Becharoff Capital Corporation v. Rietveld

**#1.00** CONT'D PRE-TRIAL CONFERENCE RE: Complaint Objecting To Debtor's Discharge Under 11 U.S.C. Section 727(a)(2), 727(a)(3), 727 (a)(4) and 727(a)(5)

FR: 11-7-19; 5-21-20; 8-20-20; 10-1-20; 12-17-20; 4-1-21; 5-20-21; 7-15-21

Docket 1

**Courtroom Deputy:**

**SPECIAL NOTE: Notice that the case has been settled and the plaintiff intends to dismiss its objection to debtor/defendant's discharge, filed 7/6/21 - adm (7/7/2021)**

**Tentative Ruling:**

**November 7, 2019**

Discovery Cut-off Date: April 1, 2020  
Pretrial Conference Date: May 21, 2020 at 9:30 a.m.  
(XX)  
Deadline to File Joint Pretrial Stipulation: May 7, 2020

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**August 20, 2020**

If more time is needed for settlement discussions, continue the pretrial conference to October 1, 2020 at 9:30 a.m. Plaintiff must file either a joint pretrial stipulation (if no settlement) or a status report (settlement reached or pending) by no later than September 22, 2020 or monetary sanctions may be imposed. (XX)

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CONT... Richard Allen Rietveld

Chapter 7

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required and Plaintiff shall serve notice of the continued hearing date/time.***

-----

**October 1, 2020**

Continue this Pretrial Conference to December 17, 2020 at 9:30 a.m. as a Status Conference; an updated Status Report must be filed by December 3, 2020. (XX)

*Special Note: A Status Report was not timely filed by September 17, 2020 as previously ordered by the Court [docket #14]. If this adversary proceeding remains pending as of December 3, 2020 and no Status Report is filed by such date, sanctions in an amount of not less than \$200 will be imposed on Plaintiff's counsel for failure to do so.*

***Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time on Defendant.***

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**December 17, 2020**

Set Pretrial Conference for April 1, 2021 at 9:30 a.m.; Joint Pretrial Stipulation must be filed by March 18, 2021. (XX)

*Special note: As the first Status Conference was held more than one year ago, the court will not simply continue the Status Conference any further. Either the matter will settle or proceed to trial.*

***Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall lodge an order consistent with the same.***

-----

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**CONT... Richard Allen Rietveld  
May 20, 2021**

**Chapter 7**

Impose sanctions against Plaintiff's counsel in the amount of \$100 for failure to timely file either a Joint Pretrial Stipulation or Status Report by May 6, 2021 (See Order at docket #29).

***Note: Appearance at this hearing is required.***  
-----

**July 15, 2021**

Continue this hearing one final time to September 2, 2021 at 9:30 a.m. to allow Plaintiff to re-notice creditors re the intent to dismiss the 727 claims. (XX)

Basis for Tentative Ruling:

The notice given by Plaintiff does not provide a 14-day notice of the opportunity to object to the dismissal of 727 claims.

***Note: If the parties accept the foregoing tentative ruling, appearances at today's hearing are not required.***  
-----

**September 2, 2021**

In light of the notice given to creditors regarding Plaintiff's intent to dismiss the 727 claims, this Status Conference will be taken off calendar.

***Note: Appearances at this Status Conference are not required; Plaintiff to lodge an order dismissing the adversary proceeding within 7 days of today's hearing.***

<b>Party Information</b>
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**Debtor(s):**

Richard Allen Rietveld

Represented By  
Alon Darvish

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**CONT... Richard Allen Rietveld**

**Chapter 7**

**Defendant(s):**

Richard Allen Rietveld

Pro Se

**Plaintiff(s):**

Becharoff Capital Corporation

Represented By  
Fritz J Firman

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
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**5A**

9:30 AM

**8:20-12420 Lisa Anne Braski**

**Chapter 7**

Adv#: 8:20-01165 Braski v. Ascendium Education Solutions et al

**#2.00** PRE-TRIAL CONFERENCE RE: Debtor's Complaint to Determine Dischargeability of Student Loan Debts Under 11 U.S.C. Section 523(a)(8), Based on Undue Hardship; and/or Alternatively that Each of the Student Loans are not Qualified Educational Loans Excepted from Discharge

FR: 3-4-21

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 10/14/2021 at 9:30 a.m.,  
Per Orde Entered on 8-17-21 (Docket No. 24) (XX)**

**Courtroom Deputy:**

**CONTINUED: Continued to 10/14/2021 at 9:30 a.m., Per Order Entered on  
8-17-21 (Docket No. 24) (XX) - jl/td**

**Tentative Ruling:**

**March 4, 2021**

Discovery Cut-off Date:	June 4, 2021
Deadline to Attend Mediation:	July 30, 2021
Pretrial Conference Date:	Sept. 2, 2021 at 9:30 a.m.
(XX)	
Deadline to file Joint Pretrial Stipulation:	Aug. 19, 2021

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lisa Anne Braski

Represented By  
Jeffrey N Wishman

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**5A**

9:30 AM

**CONT... Lisa Anne Braski**

**Chapter 7**

**Defendant(s):**

Ascendium Education Solutions

Pro Se

Educational Credit Management

Pro Se

**Plaintiff(s):**

Lisa Anne Braski

Represented By  
Marcus G Tiggs  
Leon D Bayer

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se



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**5A**

10:00 AM

**8:18-13073 Bonifacio A. Baquiran and Virginia Prenda Baquiran**

**Chapter 13**

**#3.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

SERVICING, INC.

VS.

DEBTORS

FR: 7-15-21

Docket 65

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - Order Approving  
Stipulation to Continue Hearing to October 21, 2021 at 10:00 AM entered on  
9-1-21 (Docket No. 72). - jl**

**Courtroom Deputy:**

**OFF CALENDAR - Order Approving Stipulation to Continue Hearing to  
October 21, 2021 at 10:00 AM entered on 9-1-21 (Docket No. 72). - jl**

**Tentative Ruling:**

**July 15, 2021**

If Debtor is now current with postpetition payments, immediate relief from stay will be denied but an adequate protection order will be granted. The court encourages the parties to work out the terms of any adequate protection order.

-----

**September 2, 2021**

The parties are to advise the court re the status of this matter. If more time is required to work out an APO, the hearing may be continued one final time to September 30, 2021 at 10:00 a.m. by making a request during the calendar roll call just prior to today's hearing.

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10:00 AM

**CONT... Bonifacio A. Baquiran and Virginia Prenda Baquiran**

**Chapter 13**

**Party Information**

**Debtor(s):**

Bonifacio A. Baquiran

Represented By  
Tina H Trinh

**Joint Debtor(s):**

Virginia Prenda Baquiran

Represented By  
Tina H Trinh

**Movant(s):**

Select Portfolio Servicing Inc., as

Represented By  
Jenelle C Arnold

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
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**5A**

10:00 AM

**8:20-12904 Igor Leonidovich Rybkin and Yelena Aleksandrovna**

**Chapter 7**

**#4.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
WILMINGTON SAVINGS FUND SOCIETY, FSB  
VS.  
DEBTORS

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 2, 2021**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
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**Debtor(s):**

Igor Leonidovich Rybkin

Represented By  
Angela Mestre

**Joint Debtor(s):**

Yelena Aleksandrovna Rybkina

Represented By  
Angela Mestre

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**CONT... Igor Leonidovich Rybkin and Yelena Aleksandrovna**

**Chapter 7**

**Movant(s):**

Wilmington Savings Fund Society,

Represented By  
Christina J Khil

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

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10:30 AM

**8:16-11882 Stephen J Haythorne**

**Chapter 7**

Adv#: 8:16-01247      Damon v. Haythorne

**#5.00**      CON'TD Examination of Judgment Debtor Stephen J. Haythorne RE:  
Enforcement of Judgment

FR: 7-16-19; 8-15-19; 10-17-19; 11-21-19; 1-30-20; 4-2-20; 6-11-20; 9-10-20;  
11-19-20; 1-14-21; 3-11-21; 5-11-21; 7-1-21

Docket      128

**\*\*\* VACATED \*\*\*      REASON: CONTINUED TO 11/4/2021 AT 10:30 A.M.,  
PER ORDER ENTERED 8/30/2021 (XX)**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**SPECIAL IMPORTANT NOTICE!** In order to mitigate the spread of the COVID-19 virus, notice is hereby given that ALL hearings before Judge Smith will be by TELEPHONE APPEARANCE ONLY until further notice. The courtroom will be locked. Any party who wishes to appear must register in advance by contacting CourtCall at (866) 582-6878. It is suggested that parties register with CourtCall at least 30 minutes prior to the hearing. Through September 30, 2020, CourtCall is offering discounted registration for attorneys and free registration for parties without an attorney.

**July 16, 2019**

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

-----

**August 8, 2019**

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

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**CONT... Stephen J Haythorne**

**Chapter 7**

-----  
**August 15, 2019**

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
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**October 17, 2019**

Judgment creditor has not sought the issuance of an OSC re contempt. Continue hearing to November 21, 2019 at 10:30 a.m. Any motion for OSC re contempt may be heard on the same date.  
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**November 21, 2019**

Judgment creditor to advise the court re the status of this matter. The court notes that judgment creditor has not sought the issuance of an OSC re contempt.  
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**January 30, 2020**

Judgment creditor to advise the court re the status of this matter, e.g., production of documents. Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
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**June 11, 2020**

Continue the examination to September 10, 2020 at 10:00 a.m.

**Basis for Tentative Ruling**

The courthouse remains closed to in-person court appearances and on-site in-person judgment debtor examinations. Judgment creditor is free to

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**CONT... Stephen J Haythorne**

**Chapter 7**

schedule an examination outside the courthouse, including by video conference, prior to September 10, 2020. Depending on the status of pandemic-related rules and policies in place on September 1, 2020, the September 10, 2020 hearing may be further continued.

***Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.***

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**September 10, 2020**

Continue the examination to November 19, 2020 at 10:00 a.m. (XX)

Basis for Tentative Ruling

The courthouse is currently closed to in-person court appearances and on-site in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse, including by video conference, prior to November 19, 2020. Depending on the status of pandemic-related rules and policies in place on November 19, 2020, the examination may be further continued.

***Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.***

<b>Party Information</b>
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**CONT... Stephen J Haythorne**

**Chapter 7**

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Defendant(s):**

Stephen J Haythorne

Pro Se

**Plaintiff(s):**

Hugh C Damon

Represented By  
Robert P Goe  
Charity J Manee

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se



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**8:16-11882 Stephen J Haythorne**

**Chapter 7**

Adv#: 8:16-01247      Damon v. Haythorne

**#6.00**      CON'TD Examination of Judgment Debtor/Third Person Kelli R. Haythorne RE:  
Enforcement of Judgment

FR: 7-16-19; 8-15-19; 10-17-19; 11-21-19; 1-30-20; 4-2-20; 6-11-20; 9-10-20;  
11-19-20; 1-14-21; 3-11-21; 5-11-21; 7-1-21

Docket      130

**\*\*\* VACATED \*\*\*      REASON: CONTINUED TO 11/4/2021 AT 10:30 A.M.,  
PER ORDER ENTERED 8/30/2021 (XX)**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**SPECIAL IMPORTANT NOTICE!** In order to mitigate the spread of the COVID-19 virus, notice is hereby given that ALL hearings before Judge Smith will be by TELEPHONE APPEARANCE ONLY until further notice. The courtroom will be locked. Any party who wishes to appear must register in advance by contacting CourtCall at (866) 582-6878. It is suggested that parties register with CourtCall at least 30 minutes prior to the hearing. Through September 30, 2020, CourtCall is offering discounted registration for attorneys and free registration for parties without an attorney.

**July 16, 2019**

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**August 8, 2019**

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

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**CONT... Stephen J Haythorne**

**Chapter 7**

-----  
**August 15, 2019**

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**October 17, 2019**

Judgment creditor has not sought the issuance of an OSC re contempt. Continue hearing to November 21, 2019 at 10:30 a.m. Any motion for OSC re contempt may be heard on the same date.  
-----

**November 21, 2019**

Judgment creditor to advise the court re the status of this matter. The court notes that judgment creditor has not sought the issuance of an OSC re contempt.  
-----

**January 30, 2020**

Judgment creditor to advise the court re the status of this matter, e.g., production of documents. Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom (no doctor's note was filed by January 16, 2020 excusing her appearance).  
-----

**June 4, 2020**

Continue the examination to September 10, 2020 at 10:00 a.m.

**Basis for Tentative Ruling**

The courthouse remains closed to in-person court appearances and on-site

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**CONT... Stephen J Haythorne**

**Chapter 7**

in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse, including by video conference, prior to September 10, 2020. Depending on the status of pandemic-related rules and policies in place on September 1, 2020, the September 10, 2020 hearing may be further continued.

***Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.***  
-----

**September 10, 2020**

Continue the examination to November 19, 2020 at 10:00 a.m. (XX)

Basis for Tentative Ruling

The courthouse is currently closed to in-person court appearances and on-site in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse, including by video conference, prior to November 19, 2020. Depending on the status of pandemic-related rules and policies in place on November 19, 2020, the examination may be further continued.

***Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

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10:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

**Defendant(s):**

Stephen J Haythorne

Pro Se

**Plaintiff(s):**

Hugh C Damon

Represented By  
Robert P Goe  
Charity J Manee

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

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10:30 AM

**8:18-12967 Lillian Sikanovski Dulac**

**Chapter 7**

**#7.00** Hearing RE: Debtor's Objection to Claim Number 3 of The Dulac Family Trust

Docket 189

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 2, 2021**

This matter needs to be set for an evidentiary hearing regarding the authenticity of the subject promissory note in light of the conflicting declarations presented by Debtor and Claimant. Tentative Hearing Date (via Zoom): November 19, 2021 at 9:00 a.m. Pacific. Technical Status Conference will be held November 10, 2021 at 9:30 a.m. Pacific Time (via Zoom) to address any technical issues such as access to the Zoom platform and the presentation of evidence, including the original promissory note. Declarants Lillian Dulac and Georgette Dulac must be present for both the Status Conference and the evidentiary hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lillian Sikanovski Dulac

Represented By  
Michael Jones  
Sara Tidd

**Trustee(s):**

Weneta M.A. Kosmala (TR)

Represented By  
Erin P Moriarty

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10:30 AM

**8:18-12967 Lillian Sikanovski Dulac**

**Chapter 7**

**#8.00** Hearing RE: Chapter 7 Trustee's Objection to Claim No. 8-1 of Ronald Dulac  
(\$1,308,420.99)

Docket 192

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/30/2021 AT 10:30 A.M.,  
Per Order Entered 8/23/2021 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 9/30/2021 at 10:30 a.m., Per Order  
Entered 8/23/2021 (XX) - td (8/23/2021)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lillian Sikanovski Dulac

Represented By  
Michael Jones  
Sara Tidd

**Trustee(s):**

Weneta M.A. Kosmala (TR)

Represented By  
Erin P Moriarty

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10:30 AM

**8:19-13858 Bruce Elieff**

**Chapter 7**

**#9.00** Hearing RE: Chapter 7 Trustee's Motion for Order (1) Authorizing Sale of Real Property (177 Shorecliff Road, Corona del Mar, California 92625) Free and Clear of Liens, Claims, and Interests; (2) Confirming sale to Buyer; (3) Determining that Buyer is a Good Faith Purchaser; (4) Authorizing Withholding and Remittance of Estimated State Income Taxes Arising from Sale; (5) Waiving the Fourteen (14) Day Stay Prescribed by Rule 6004(h) of the Federal Rules of Bankruptcy Procedure; and (6) Approving Bidding Procedures and Breakup Fee in Connection with Proposed Sale

Docket 1175

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 2, 2021**

The court is inclined to do the following: 1) Grant the motion subject to overbid; Deny waiver of FRBP 6004; Deny request for an evidentiary hearing and for adequate protection; Grant request of the IRS to receive distribution of Debtor's homestead claim, i.e., \$75,000, out of escrow.

Basis for Tentative Ruling

A. Preliminary Comments

1. The court would like for Trustee's broker to state, on the record, specific marketing efforts, including the various platforms used to expose the property to the market as well the number of inquiries received, other offers (if any), etc.

2. The court would like the proposed buyer to state under oath whether it has any direct or indirect connections to Debtor or Trustee's broker.

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**CONT... Bruce Elieff**

**Chapter 7**

**B. Objections of IRS**

1. The Trustee employed a broker to market the property. The property has been marketed since *October 2020*. The IRS appears to assume that the value listed by Debtor in his schedules, i.e., \$30 million, *is* the fair market value of the property. However, the original list price was \$39 million and ultimately reduced to \$29.995 million six months ago with no offers at or near that price. While an owner of property may offer an opinion as to its value, the weight given to such valuation is often negligible. The court is incredulous that the IRS is requesting that this court accept Debtor's scheduled value as the actual fair market value of the property.

2. The IRS appears to be requesting that this court take judicial notice of the fact that the market for residential property in Southern California is "very hot and in high demand" and that 2021 housing prices are at record high levels. The court declines the invitation to speculate as it is unaware of the "hotness" of high-end properties in the \$20 million range.

3. The IRS argues that the Sale Motion does not include an appraisal by a qualified appraiser, yet provides no legal authority for the proposition that such an appraisal is necessary for a 363 sale motion. The court has presided over tens of dozens of 363 sales in the past 27 years and cannot recall a single instance where a 363 sale motion included an appraisal. This is because an appraisal is irrelevant to a properly marketed sale process. An appraisal may be relevant in the context of plan confirmation where a debtor intends to retain property or to sell or refinance it at a later date. That is not the situation here. Not surprisingly, the IRS provides no legal authority to support its argument.

4. The court agrees that a) the IRS recorded a Notice of Federal Tax on March 27, 2019. b) that such lien attached to "all property and rights to property" belonging to Debtor, c) the \$75,000 homestead exemption in which Debtor asserts an interest is property subject to such lien, and d) the homestead proceeds should be distributed to the IRS. See 11 U.S.C. 522(c)(2)(B); *In re Bolden*, 327 B.R. 657, 662 (Bankr.C.D.Cal.2005) ["Pursuant to § 522(c)(2), exempt property, such as that represented by Mr. Bolden's



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**CONT...**

**Bruce Elieff**

**Chapter 7**

homestead exemption claim, remains liable for debts secured by a lien that is not avoided or for which a notice of such things as a federal tax lien has been filed. The homestead exemption does not have precedence over the tax liens. Generally, a debtor is not entitled to claim a homestead exemption on property that is subject to an IRS levy".

4. The court agrees with the IRS that judicial estoppel has no application for the reasons stated in the IRS' supplemental response. Dkt 1208 at pp. 3-5.

5. The IRS implies that the buyer is in collusion with Debtor and/or Trustee but offers no evidence of the same.

**B. Objections of Kurtin**

1. Like the IRS, Kurtin takes issue with the proposed sale price of \$18.888 million and presents its own appraisal showing a value of \$25.5 million. Assuming the property was adequately marketed by Trustee's broker, the fact that no offers were received in the amount of \$25 million answers Kurtin's plaintive question as to why proposed sale is \$6 million and calls into question the credibility of Kurtin's appraiser.

2. Mr. Landau's declaration attached to Kurtin's opposition [Dkt. 1194 at p. 18, para 3] is replete with unsubstantiated and unreliable hearsay regarding Kathryn White's experience in attempting to obtaining access to the property. Her declaration is not provided.

3. Kurtin argues that the overbid process has been compromised by the broker's failure to adjust current MLS list price from \$29,995,000 to the initial overbid price of \$19,388,888. No documentary evidence of the same has been provided.

4. The court is not persuaded by Kurtin's argument that the proposed sale price is \$6 million less than fair market value according to his appraiser, given that no offers higher than the proposed sale price has been received since October 2020.

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5. Regarding Kurtin's subordinated liens, such liens will attach to the proceeds of the sale. The treatment of such subordinated liens is indeed the subject of a bona fide dispute, as best evidenced by Kurtin's pending appeal of this court's order regarding such subordination of the liens.

6. The court does not find persuasive Kurtin's argument that there is something nefarious about the buyer's broker, Lin He, being both the manager of the buyer and its broker or that, as a result of the same, Mr. He is not entitled to the 2.5% commission.

7. The court agrees with Kurtin that the 14-day stay of FRBP 6004(h) should not be waived. Though the waiver is routinely requested by debtors and trustees, there is no entitlement to such a waiver. Here, where at least two creditors have strongly argued against the waiver, the court will deny the same.

8. The court does not see the necessity for an evidentiary hearing at this time. The broker and buyer will be afforded a limited opportunity to address the court re 1) marketing efforts and 2) connections to Debtor, respectively. There will not, however, be an opportunity for a cross examination as there is no time for the same on the court law and motion calendar. Based on the statements made at the hearing, the court will determine if further hearing is required.

9. As Kurtin's subordinated liens will attach to the proceeds, he is not entitled to adequate protection. Moreover, as previously indicated above, the court is not persuaded that the proposed sale price is below market.

**C. Objection of GJC Aircraft SPV 8, LLC (GJC)**

This objection has been adequately addressed by Trustee's reply.  
Dkt # 1203

**D. Objection of California Bank & Trust ("CB&T")**

This objection has been adequately addressed by Trustee's reply.  
Dkt # 1204

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**CONT... Bruce Elieff**

**Chapter 7**

**EVIDENTIARY OBJECTIONS**

Evidentiary Objections to the Declaration of Howard M. Ehrenberg

<u>Objection #</u>	<u>Ruling</u>
Para. 7	SUSTAINED as to "and is more than any previous offer received by me." Best Evidence. OVERRULED as to the balance.
Para. 8  not	SUSTAINED as to "Buyer has represented to me . . . of the estate." Hearsay. SUSTAINED as to "Moreover, Buyer is . . . 101(31)." Lack of foundation. OVERRULED as to the balance.
Para. 16 paragraph).	OVERRULED (read in context with the rest of the

Evidentiary Objections to Declaration of Garrett Weston

<u>Objection</u>	<u>Ruling</u>
Para. 6 OVERRULED	SUSTAINED as to "Compass's internal analysis."  as to the balance.

<b>Party Information</b>
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**Debtor(s):**

Bruce Elieff

Represented By  
Lisa Nelson  
Robert P Goe

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**CONT... Bruce Elieff**

**Chapter 7**

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Alan G Tippie  
Daniel A Lev  
Sean A OKeefe  
Claire K Wu

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
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**Hearing Room      5A**

10:30 AM

**8:20-11507    HCA West, Inc**

**Chapter 11**

**#10.00**    Hearing RE: Motion for Order Further Extending the Time Periods During Which the Debtors Have the Exclusive Right to File a Plan and to Solicit Acceptances Thereof Pursuant to Section 1121(d) of The Bankruptcy Code

Docket      536

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 2, 2021**

Grant the Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

HCA West, Inc

Represented By  
John W Lucas  
Jason H Rosell  
Victoria Newmark

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
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## Hearing Room

**5A**

10:30 AM

**8:21-10608     DEA Brothers Sisters LLC**

## Chapter 11

**#11.00** CON'TD STATUS CONFERENCE Hearing on Status of Chapter 11 Case; and  
(2) Requiring Report on Status of Chapter 11 Case

FR: 5-6-21

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

### **Tentative Ruling:**

**May 6, 2021**

Claims Bar Date: 7/12/21 [notice to creditors by 5/12/21]

Deadline to File Plan/Disc. Stmt                      8/11/21 -- no additional extensions

Continued Status Conference: 9/2/21 at 10:30 a.m. (XX)

Updated Status Report due: 8/19/21 (waived if plan/ds timely filed)

***Note: If Debtor accepts the foregoing tentative ruling and there is no objection by the US Trustee or other party, appearances at this hearing are not required; court to issue its own order.***

**September 2, 2021**

Continue Status Conference to December 16, 2021 at 10:30 a.m.; updated Status Report must be filed by December 2, 2021 unless a plan and disclosure statement has been filed by such date, in which case the requirement of an updated Status Report will be waived.

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10:30 AM

**CONT...      DEA Brothers Sisters LLC**

**Chapter 11**

***Note: If all parties accept the tentative ruling, appearances at today's hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

DEA Brothers Sisters LLC

Represented By  
Roger J Plasse

**United States Bankruptcy Court  
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**Thursday, September 2, 2021**

**Hearing Room**

**5A**

10:30 AM

**8:21-10635 Alicia Marie Richards**

**Chapter 7**

**#12.00** Hearing RE: Debtor's Objection to Claim Number 5-1 by Claimant Kevin Robinson (\$240,652.15)

Docket 116

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/9/2021 AT 10:30 A.M.,  
Per Order Entered 8/4/2021 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 9/9/2021 at 10:30 a.m., Per Order  
Entered 8/4/2021 (XX) - td (8/4/2021)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Alicia Marie Richards

Pro Se

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Richard G Heston



**United States Bankruptcy Court  
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**Thursday, September 2, 2021**

**Hearing Room**

**5A**

10:30 AM

**8:21-10635 Alicia Marie Richards**

**Chapter 7**

**#13.00** Hearing RE: Debtor's Objection to Claim Number 7-1 by Claimant Cavalry SPV I, LLC (\$10,649.36)

Docket 143

**Courtroom Deputy:**

**SPECIAL NOTE: Withdrawal of Claim filed 7/29/2021, document #147 - td (7/30/2021)**

**Tentative Ruling:**

**September 2, 2021**

Overrule objection as moot in light of Claimant's withdrawal of Claim Number 7-1 by Claimant on July 29, 2021 [Dkt #147]

<b>Party Information</b>
--------------------------

**Debtor(s):**

Alicia Marie Richards

Pro Se

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Richard G Heston

**United States Bankruptcy Court  
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**Thursday, September 2, 2021**

**Hearing Room**

**5A**

10:30 AM

**8:21-11629 Kelly Davina Bomar**

**Chapter 7**

**#14.00** Hearing RE: ORDER to show cause re dismissal for failure to comply with rule 1006(B) -installments (\$100.00 due 7/30/2021)  
(OSC Issued 8/2/2021)

Docket 10

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: \$100.00 Installment  
Payment Made on 8/3/2021, Receipt #80075614**

**Courtroom Deputy:**

**OFF CALENDAR: \$100.00 Installment Payment Made on 8/3/2021,  
Receipt #80075614 - td (8/3/2021)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kelly Davina Bomar

Pro Se

**Trustee(s):**

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Thursday, September 2, 2021**

**Hearing Room 5A**

10:30 AM

**8:21-11723 Advantage Manufacturing, Inc.**

**Chapter 11**

**#15.00** STATUS CONFERENCE Hearing on Status of Subchapter V Case; (2) Requiring Report on Status of Subchapter V Case by Debtor and Subchapter V Trustee; and (3) Requiring Subchapter V Trustee to Appear at the Status Conference

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 2, 2021**

Continue Status Conference to November 4, 2021 at 10:30 a.m.; an updated Status Report must be filed by Debtor by October 21, 2021 and by the Sub V Trustee by October 28, 2021. If Debtor timely files a plan within 90 days of the order of relief, the requirement of a Status Report by both Debtor and the Sub V Trustee will not be required.

***Note: Appearances at this hearing are not required if Debtor is in substantial compliance with the requirements of the US Trustee.***

<b>Party Information</b>
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**Debtor(s):**

Advantage Manufacturing, Inc.

Represented By  
Michael G Spector

**Trustee(s):**

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
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**Thursday, September 2, 2021**

**Hearing Room      5A**

10:30 AM

**8:21-10525    The Source Hotel, LLC**

**Chapter 11**

**#16.00**    Hearing RE: Debtor and Debtor-in-Possession's Motion for Entry of Order: (1) Establishing Bidding and Sale Procedures for Sale of Substantially All of the Debtor's Assets; (2) Approving Form of Notice to Be Provided to Prospective Buyers; and (3) Scheduling a Hearing for the Court to Consider Approval of the Sale of Substantially all of the Debtor's Assets

Docket      214

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 2, 2021**

Grant the Motion. However, Debtor needs to clarify the location of the auction. Is the expectation that the auction will take place in the virtual courtroom, or in a virtual breakout room or somewhere else?

<b>Party Information</b>
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**Debtor(s):**

The Source Hotel, LLC

Represented By  
Ron Bender  
Juliet Y Oh

**United States Bankruptcy Court  
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**Thursday, September 2, 2021**

**Hearing Room**

**5A**

2:00 PM

**8:19-13858 Bruce Elieff**

**Chapter 7**

Adv#: 8:20-01161 Kurtin v. Elieff

**#17.00 ORAL RULING RE:** Plaintiff's Motion for Summary Judgment or Partial Summary Judgment

FR: 5-6-21; 6-17-21; 8-19-21

Docket 10

**\*\*\* VACATED \*\*\* REASON:** Continued to September 15, 2021 at 2:00 pm on the Court's Own Motion

**Courtroom Deputy:**

**OFF CALENDAR: Continued to September 15, 2021 at 2:00 pm on the Court's Own Motion- mp(9/2/21)**

**Tentative Ruling:**

**August 19, 2021**

Plaintiff will have 25 minutes to highlight arguments in support of the Motion; Defendant will have 25 minutes to respond; Plaintiff will have 10 minutes for final comments. The hearing will then be adjourned to September 2, 2021 at 2:00 pm, at which time the court will issue an oral ruling. If a written ruling is posted prior to the hearing, counsel will be so notified.

<b>Party Information</b>
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**Debtor(s):**

Bruce Elieff

Represented By  
Lisa Nelson  
Robert P Goe

**Defendant(s):**

Bruce Elieff

Represented By  
Robert P Goe

**United States Bankruptcy Court  
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**Thursday, September 2, 2021**

**Hearing Room**

**5A**

2:00 PM

**CONT...      Bruce Elieff**

**Chapter 7**

**Plaintiff(s):**

Todd Kurtin

Represented By  
Lewis R Landau

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Alan G Tippie  
Daniel A Lev  
Sean A OKeefe  
Claire K Wu